

SENATE BILL 622

C5, P3, M3

11r1328

By: **Senators Madaleno, Frosh, Kelley, and Rosapepe**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Nonresidential Electricity and Gas – Energy Benchmarking and Disclosure –**
3 **State Buildings**

4 FOR the purpose of requiring each gas company and electric company to maintain, in
5 a certain format, gas and electric consumption records for nonresidential retail
6 gas and electric customers; requiring each gas company and electric company to
7 upload to the EPA Portfolio Manager certain gas or electric consumption records
8 after receiving authorization from an owner or operator of a nonresidential
9 building; requiring the Department of General Services to benchmark certain
10 State buildings at least once each year, beginning in a certain year, using the
11 EPA Portfolio Manager; requiring the Department to compile certain
12 benchmarking information and submit the information to the Maryland Energy
13 Administration; requiring that, on or before a certain date, and each year
14 thereafter, an owner or operator of certain State buildings disclose certain
15 energy benchmarking information to certain lessees; requiring that, on or after
16 a certain date, an owner or operator of certain State buildings disclose certain
17 energy benchmarking information to certain persons; requiring the
18 Administration to include certain information about certain State buildings in a
19 certain report, unless the Administration makes the information available to
20 the public in some other manner; defining certain terms; and generally relating
21 to the disclosure of energy usage information for State buildings.

22 BY adding to
23 Article – Public Utilities
24 Section 7–309
25 Annotated Code of Maryland
26 (2010 Replacement Volume)

27 BY adding to
28 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–8A–01 through 4–8A–03 to be under the new subtitle “Subtitle 8A.
2 Energy Benchmarking and Disclosure”
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – State Government
7 Section 9–20B–12
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2010 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Public Utilities**

13 **7–309.**

14 (A) IN THIS SECTION, “EPA PORTFOLIO MANAGER” MEANS THE
15 INTERNET–BASED PORTFOLIO MANAGER ENERGY MANAGEMENT TOOL
16 DEVELOPED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

17 (B) EACH GAS COMPANY AND ELECTRIC COMPANY SHALL MAINTAIN
18 RECORDS OF THE GAS OR ELECTRIC CONSUMPTION OF EACH NONRESIDENTIAL
19 RETAIL GAS CUSTOMER AND RETAIL ELECTRIC CUSTOMER IN A FORMAT THAT IS
20 COMPATIBLE WITH UPLOADING TO THE EPA PORTFOLIO MANAGER.

21 (C) AFTER RECEIVING AUTHORIZATION FROM THE OWNER OR
22 OPERATOR OF A NONRESIDENTIAL BUILDING, THE GAS COMPANY OR ELECTRIC
23 COMPANY SHALL UPLOAD TO THE EPA PORTFOLIO MANAGER THE GAS AND
24 ELECTRIC CONSUMPTION RECORDS FOR THE ACCOUNTS THAT SERVE THE
25 BUILDING.

26 **Article – State Finance and Procurement**

27 **SUBTITLE 8A. ENERGY BENCHMARKING AND DISCLOSURE.**

28 **4–8A–01.**

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

31 (B) “BENCHMARK” MEANS TO OBTAIN ENERGY STATISTICS FOR
32 STRUCTURES COMPARABLE TO A PARTICULAR STRUCTURE AND, IF
33 APPLICABLE, ENERGY STAR RATINGS, USING THE EPA PORTFOLIO MANAGER.

1 **(C) “EPA PORTFOLIO MANAGER” HAS THE MEANING STATED IN**
2 **§ 7-309 OF THE PUBLIC UTILITIES ARTICLE.**

3 **(D) “STATE BUILDING” MEANS A NONRESIDENTIAL STRUCTURE WITH**
4 **AN INTERIOR SPACE OF MORE THAN 10,000 SQUARE FEET THAT IS OWNED OR**
5 **OPERATED BY THE STATE.**

6 **4-8A-02.**

7 **(A) BEGINNING IN 2012, THE DEPARTMENT SHALL BENCHMARK EACH**
8 **STATE BUILDING AT LEAST ONCE EACH YEAR.**

9 **(B) THE DEPARTMENT SHALL:**

10 **(1) COMPILE THE BENCHMARKING DATA AND RANKINGS FOR**
11 **EACH STATE BUILDING; AND**

12 **(2) SUBMIT THE BENCHMARKING DATA AND RATINGS TO THE**
13 **MARYLAND ENERGY ADMINISTRATION.**

14 **(C) UNLESS THE MARYLAND ENERGY ADMINISTRATION MAKES THE**
15 **BENCHMARKING DATA AND RATINGS AVAILABLE TO THE PUBLIC IN ANOTHER**
16 **MANNER, THE ADMINISTRATION SHALL INCLUDE THE DATA AND RATINGS IN**
17 **THE REPORT REQUIRED UNDER § 9-20B-12 OF THE STATE GOVERNMENT**
18 **ARTICLE.**

19 **4-8A-03.**

20 **(A) ON OR BEFORE JANUARY 1, 2015, AND EACH YEAR THEREAFTER,**
21 **THE OWNER OR OPERATOR OF A STATE BUILDING SHALL DISCLOSE TO EACH**
22 **LESSEE OF MORE THAN 2,000 SQUARE FEET OF THE BUILDING THE BUILDING’S**
23 **BENCHMARKING DATA AND RATINGS FOR THE MOST RECENT 24-MONTH**
24 **PERIOD.**

25 **(B) ON OR AFTER JANUARY 1, 2015, THE OWNER OR OPERATOR OF A**
26 **STATE BUILDING SHALL DISCLOSE THE BUILDING’S BENCHMARKING DATA AND**
27 **RATINGS FOR THE MOST RECENT 24-MONTH PERIOD TO A PROSPECTIVE:**

28 **(1) BUYER OF THE BUILDING;**

29 **(2) LESSEE OF MORE THAN 2,000 SQUARE FEET OF THE**
30 **BUILDING; AND**

1 **(10) ENERGY BENCHMARKING DATA AND RATINGS FOR STATE**
2 **BUILDINGS SUBMITTED TO THE ADMINISTRATION UNDER § 4-8A-03 OF THE**
3 **STATE FINANCE AND PROCUREMENT ARTICLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.